

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3399 of 1980

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? -

2. To be referred to the Reporter or not? -

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3. Whether Their Lordships wish to see the fair copy of the judgement? -

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? -

5. Whether it is to be circulated to the Civil Judge?
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Versus

STATE OF GUJARAT

Appearance:

MR SM MAZGAONKAR for Petitioners

Mr. C.C. Bhalja, A.G.P. for Respondent.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 24/06/98

ORAL JUDGEMENT

This petition has been filed by the Assistant Directors, Directorate of Geology and Mining at Vadodara, Junagadh, Jamnagar, Rajkot and Ahmedabad, for directions to the State Government seeking for amendment in the Gujarat Civil Services (Revision of Pay) Rules, 1975 and to sanction to them a pay scale equivalent to that sanctioned for the posts of Geologists. It is further

prayed that the Government Resolution (Finance Department) No. PCR/7678/M 82 M dated 24-10-1978 be set aside to the extent that the Assistant Directors have been denied the parity of the scales granted to them with Geologists. A further direction to State Government was sought for granting the pay scale of Rs. 1100-1600 to the petitioners with effect from 1-1-73 at par with the pay scale sanctioned for the Geologists by the Government Resolution (Finance Department) dated 24-10-1978.

2. The learned counsel for the petitioners submitted that the Assistant Directors, Geologists and Chemists were being paid the same pay scale prior to Sarala Pay Commission Report and no discrimination was made in the pay scale given to the Assistant Directors, Geologists and Chemists by Sarala Pay Commission. But Desai Pay Commission recommended higher pay scale of Rs. 1100-1600 to the Geologists in 1975. But under the Rules, the Assistant Directors, Geologists and Chemists were placed at par so far as the pay scale is concerned. The pay scale was revised by the Government under the Government Resolution dated 24-10-1978 and the Geologists were given higher pay scale of Rs. 1100-1600.

3. A writ petition being Special Civil Application No.1046 of 1980 filed by the Senior Geologists in this Court which was decided on 29/30-7-1980, whereby the Government Resolution dated 24-10-1978 was set aside regarding the part of the revised pay scale of the Geologists to Rs. 1100-1600 and as such all the Assistant Directors, Geologists and Chemists were placed at par as far as pay scale is concerned. 3rd Pay Commission Report was submitted in the year 1985 which elaborately considered all the various aspects regarding the Assistant Directors, Geologists and Chemists and recommended the grade of Rs. 1750-3110 to the Assistant Directors, Geologists and Chemists and later on Shah Pay Commission Report was submitted in the year 1987 which also accepted pay-scale given to these persons at par. By the Government Resolution dated 9-9-1988 the Geologists have been given higher pay scale of Rs. 3000-4500. The petitioners are claiming the same pay scale on the basis of Justice Ahmadi Pay Commission and Shah Pay Commission Reports. Learned Counsel for the petitioners also produced the relevant portions of the Ahmadi Pay Commission and Shah Pay Commission Reports in the Court. Learned Counsel for the State Government submitted that this is a matter which cannot be decided by this Court. The petitioners should have made representation before the appropriate authority placing their grievances as no finding can be recorded at this

stage that the Government has committed any mistake in awarding higher grade to the Geologists. I considered thoroughly the submissions made on behalf of the parties, in the facts and circumstances, it is difficult to record any finding that the Government has committed any error in absence of other materials which might have been considered by the Government at the relevant time.

4. That the petitioners are at liberty to file their representation before the authority concerned/State Government for their grienvances and State Government/authority concerned will consider the grievances of the petitioners with any other materials which might have been considered at the earlier occasion and decide the claim of the petitioners in accordance with law. In case, such representation is filed by the petitioners along with a certified copy of this order the State Government/appropriate authority is directed to decide the same within a period of three months from the date of receipt of representation along with the certified copy of this order.

5. With the above directions, this petition is disposed of. Rule is discharged accordingly, with no order as to costs.

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